

As a consumer, I have a grave concern about the proposed Broadcast Flag.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. Because the Broadcast Flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of interfering with my fair use rights, then I believe the FCC should protect the rights of fair use.

There is a confusion today between the rights our society affords to physical property and intellectual property. Our forefathers wisely understood that constraints on intellectual property ought to be "leaky" to allow others to build on intellectual property in a way that benefits our society as a whole. Intellectual property rights are not absolute. In fact, intellectual property rights are not designed primarily to benefit the copyright holder, but rather are to spur artistic creation that will benefit all of us. When copyright begins to restrict creation and innovation, it is a misuse of Government power.

I believe that the Broadcast Flag mandate will slow innovation and competition. It is not in the interests of the public. The Electronic Frontier Foundation has noted that it may even slow down digital TV adoption, by driving up the cost of digital TV devices while reducing the number of desirable features that an open market would create.

In closing, I urge you to oppose the Broadcast Flag and any regulations or legislation that has the potential to interfere with a consumer's right to fair use.